

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

23 MAR 2005

Applicant's or agent's file reference E-1820/03	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IT 03/00572	International filing date (day/month/year) 25.09.2003	Priority date (day/month/year) 26.09.2002
International Patent Classification (IPC) or both national classification and IPC B65D85/10		
Applicant G.D. SOCIETA' PER AZIONI		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 22.04.2004	Date of completion of this report 10.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Bridault, A Telephone No. +31 70 340-3224 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IT 03/00572**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

6-15 as originally filed
1-5 received on 06.09.2004 with letter of 25.08.2004

Claims, Numbers

1-20, 21 (part) as originally filed
21 (part), 22 received on 06.09.2004 with letter of 25.08.2004

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☒ the claims, Nos.: 23-30
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IT 03/00572**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☒ complied with.
☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-22
	No: Claims	
Inventive step (IS)	Yes: Claims	1-22
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item IV

Lack of unity of invention

Claims 23-30, the subject-matter of which lacked unity with the subject-matter of claim 1, have been deleted, and therefore the application subject to this report meets the requirement of unity of invention.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The document US 6 435 342 is regarded as being the closest prior art to the subject-matter of claim 1, and shows a package from which said subject-matter differs by the features of the characterising part of the claim.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as better protecting the cigarettes in the package.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because no prior art document suggests combining the package of US 6 435 342 with an inner, slidable container. The slidable packages of the prior art are made differently (see FR 2 499 947), and the skilled person would not obviously consider providing them with a hinged lid.

Claims 2- 22 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

/528980

- 1 - JC17 Rec'd PCT/PTO 23 MAR 2005

EPO - DG 1

06.09.2004

(79)

5 RIGID SIDE-OPEN PACKAGE FOR TOBACCO ARTICLES

TECHNICAL FIELD

The present invention relates to a rigid package for tobacco articles.

10 The present invention may be used to particular advantage in a rigid cigarette packet, to which the following description refers purely by way of example.

BACKGROUND ART

15 A rigid cigarette packet normally comprises a cup-shaped bottom container having an open top end; and a cup-shaped top lid hinged to the container along a hinge to rotate, with respect to the container, between an open position and a closed position respectively opening and closing the open end of the bottom container. When
20 the lid is in the closed position, the packet is substantially parallelepiped-shaped, and comprises two, respectively top and bottom, end walls, and a lateral surface bounded by the end walls and defined by two, respectively front and rear, major lateral walls, and two
25 minor lateral walls. Four longitudinal edges are defined between the minor lateral walls and the major lateral walls; eight transverse edges, smaller than the

longitudinal edges, are defined between the lateral walls and the end walls; and the lid hinge is formed in the rear wall and parallel to the transverse edges defined between the rear wall and the end walls.

5 Rigid slide-open cigarette packets are also known, such as those described in Patent Application FR-2499947-A3, Patent US-4534463-A1, or Patent US-5080227-A1. A rigid slide-open cigarette packet comprises a first container for housing a group of cigarettes wrapped in a
10 sheet of foil, and which in turn is housed inside a second container so as to slide with respect to the second container between an inserted position, in which the first container is fully inserted inside the second container, and an extracted position, in which part of
15 the first container is extracted from the second container. Each container is substantially parallelepiped-shaped, and comprises two end walls; and a lateral surface bounded by the end walls and defined by lateral walls separated from one another by corresponding
20 square longitudinal edges.

US-6360943-B1 discloses a hinge-lid box for cigarette comprising a box part and a lid connected in an articulated manner thereto. In the region of a box front wall and lid front wall, the box part and lid form
25 transversely directed closure edges, namely a lid closure edge and mating closure edge; these closure edges are of V-shaped design with different angles between the associated edge legs, with the result that a V-shaped or

arrowhead-like opening is formed

WO-0034150-A1 discloses a box for cigarettes with a hinged lid and consisting of a box part and a lid; a front lid wall and a front box wall form opposite closing edges, i.e. a lid closing edge and a counter closing edge. Said closing edges are set apart from each other in such a way that part of a collar, i.e. a front collar wall, is visible in the area of a differently shaped field of vision or a gap.

WO-9965796-A1 discloses a hinge-lid box for cigarettes or the like, comprising a box part, a lid and a collar which is positioned in the box part and projects out of the same by way of a top collar part, the lid enclosing the top collar part in the closed position; fastened on the inside of a lid front wall is a lid inner tab which, merely in the region of a side edge, has a recess which ensures form-fitting interlocking with a ridge in the region of a collar front wall when the lid is closed

Though marketed, by being relatively easy to produce and generally popular with smokers, rigid cigarette packets of the above type fail to provide for effectively protecting the cigarettes inside the packet, in that, when the packet is carried in the user's pocket, both the lid of the hinged-lid packet and the inner container of the slide-open packet tend to work open, thus resulting in fallout of the cigarettes.

DISCLOSURE OF THE INVENTION

It is an object of the present invention to provide a rigid package for tobacco articles, designed to eliminate the aforementioned drawbacks, and which, in particular, is cheap and easy to produce.

According to the present invention, there is provided a rigid package for tobacco articles; the package comprising a first container having an open end, and a lid hinged to the first container to rotate between an open position and a closed position respectively opening and closing the open end; when the lid is in the closed position, the first container being substantially parallelepiped-shaped, and comprising two, respectively top and bottom, end walls, and a lateral surface bounded by the end walls and comprising two, respectively front and rear, major lateral walls, two minor lateral walls, four longitudinal edges, each defined between a major lateral wall and a minor lateral wall, and eight transverse edges, each defined between an end wall and a lateral wall; the lid being hinged along a hinge formed in the rear wall and substantially parallel to the longitudinal edges, and the lid comprising part of the end walls, part of the major lateral walls, and a minor lateral wall; and the package being characterized by comprising a second container for housing the tobacco articles and which is housed in sliding manner inside the first container to slide, with respect to the first

container, between an inserted position, in which the second container is fully inserted inside the first container, and an extracted position, in which part of the second container is extracted from the first container and projects from the open end of the first container.

BRIEF DESCRIPTION OF THE DRAWINGS

A number of non-limiting embodiments of the present invention will be described by way of example with reference to the accompanying drawings, in which:

Figure 1 shows a front view in perspective of a preferred embodiment of a rigid cigarette packet in accordance with the present invention and in a closed configuration;

Figure 2 shows a front view in perspective of the Figure 1 rigid cigarette packet in an open configuration;

Figure 3 shows an exploded view in perspective of the Figure 1 rigid cigarette packet;

Figure 4 shows a plan view of a blank by which to produce an inner container of the rigid cigarette packet in Figures 1 to 3;

Figure 5 shows a plan view of a blank by which to produce an outer container of the rigid cigarette packet in Figures 1 to 3;

Figure 6 shows a front view in perspective of an

slide of the second container (14) with respect to the first container (3), so as to prevent detachment of the second container (14) from the first container (3).

22) A package as claimed in Claim 21, characterized
5 in that the stop means comprise at least one first tongue projecting outwards of the second container (14) from a respective major lateral wall (17) of the second container (14), and a second tongue projecting inwards of
10 the first container (3) from a respective major lateral wall (10; 11) of the first container (3) and located close to the open end (4) of the first container (3); the first and second tongue being so located that the first tongue engages the second tongue as the second container (14) slides out of the first container (3).